

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GARY PIERCE,	§
	§ No. 318, 2012
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0407019516
Plaintiff Below-	§
Appellee.	§

Submitted: August 9, 2012  
Decided: August 28, 2012

Before **HOLLAND, BERGER**, and **JACOBS**, Justices

**ORDER**

This 28<sup>th</sup> day of August 2012, after careful consideration of the opening brief, the State’s motion to affirm, and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court’s well-reasoned decision dated May 17, 2012. The Superior Court did not err in concluding that appellant’s third motion for postconviction relief was procedurally barred and that appellant had failed to overcome the procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice